

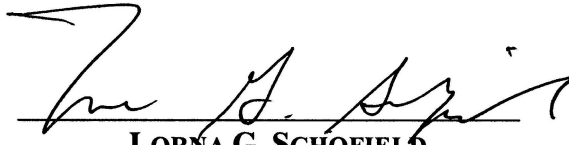


HELEN F. DALTON & ASSOCIATES, P.C.
ATTORNEYS AT LAW

80-02 Kew Gardens Road, Suite 601, Kew Gardens, New York 11415
Tel. (718) 263-9591 Fax. (718) 263-9598

Application GRANTED. Plaintiffs shall file a proposed order to show cause for default judgment and supporting papers required by the Court's Individual Rules by **August 17, 2022**. The initial pretrial conference scheduled for August 10, 2022, is adjourned **sine die**.

Dated: August 2, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: **Ramirez, et al v. Urion Construction LLC, et al**
Civil Docket No.: 22-cv-03342 (LGS)

Dear Judge Schofield:

We represent the Plaintiffs in this matter, and we submit this letter motion 1. to apprise the Court as to the status of this matter, 2. to respectfully request an adjournment of the parties' upcoming August 10, 2022 pretrial conference; and 3. to respectfully request an extension of time for Plaintiffs to file their Motion for Entry of a Default Judgment in a Sum Certain against all Defendants, in accordance with the Court's Individual Rules and Practices (the "Motion").

Relevant Procedural Background

Plaintiffs commenced this FLSA action on April 25, 2022, against the defendants, Urion Construction LLC ("Urion") and Heriberto Gonzalez Sirias, as an individual ("Mr. Sirias") (and collectively, the "Defendants"), to recover damages, in chief, for Defendants' willful failure to pay the Plaintiffs any overtime wages, despite Plaintiffs regularly working for the Defendants in excess of 40 hours per week. *See* Dkt. No. 1. It is respectfully submitted that all Defendants have been successfully served – Urion was served on May 5, 2022 via the office of the Secretary of State; and again at its place of business on May 26, 2022 (Dkt. Nos. 7-8); and Mr. Sirias was personally served on May 26, 2022, at his last known residence/usual place of abode (Dkt. No. 9).

By status report dated June 23, 2022, we apprised the Court, *inter alia*, that: "[a]fter serving Defendants ... we contacted Defendants at their regular place of business, during normal business hours, to ascertain whether or not Defendants intend on appearing in this matter or retaining counsel to appear on their behalf. The undersigned spoke directly with individual defendant, Heriberto Gonzalez Sirias, and apprised Mr. Sirias of the above, and of Defendants' obligations in this matter. Mr. Sirias appeared somewhat agitated during our phone conversation and indicated that the Defendants do not intend on retaining counsel to appear or otherwise defend this matter at this juncture. Mr. Sirias also stated he would 'pass along this message to the other owner(s) of Urion', at which point, Mr. Sirias 'will know, and will inform us, as to whether Defendants have

decided to retain counsel to appear on their behalf.’ As such, we interpret Defendants’ response to advising them of the above as a refusal to cooperate.” *See* Dkt. No. 12.

Moreover, on June 23, 2022, the undersigned served (1) the Plaintiffs’ June 23, 2022 status report letter, together with (2) Notice of the parties’ Conference previously set for July 6, 2022, and (3) Proposed Case Management plan, on the Defendants, via UPS Overnight Courtier. *See* Dkt. No. 12. Proof of such service on all Defendants was promptly filed on the Court’s docket. *See* Dkt. No. 14.

In response thereto, on June 23, 2022, the Court issued an Order (the “Order”), directing *inter alia*, that: “[t]he initial pretrial conference scheduled for July 6, 2022, is adjourned to August 10, 2022, at 4:20 P.M,” and that, “[t]he parties shall file a joint letter containing Defendants’ positions on the issues addressed in Plaintiffs’ letter, and a jointly proposed case management plan and scheduling order, by August 3, 2022, at 12:00 P.M. If Defendants do not appear and file an answer before then, Plaintiffs shall move for default judgment in accordance with the Court’s Individual Rules by August 3, 2020.” *See* Dkt. No. 15.

In advance of the August 3, 2022 deadline for Defendants to appear, earlier today we contacted Defendants and again spoke directly with the individual defendant, Mr. Sirias, who made it clear that no one is or will be appearing in this matter for Defendants, and specifically, moreover, that no one will be appearing on behalf of the Defendants by tomorrow’s deadline.

Therefore, prior to the filing of this letter, we filed Plaintiffs’ Requests for Certificates of Default as against all Defendants (Dkt. Nos. 16-17), true and correct copies of which are being served on the Defendants, together with this letter. However, it has become apparent that Plaintiffs will require additional time beyond August 3, 2022, in order to prepare, file, and serve their Motion and evidentiary submissions, and therefore, the instant request is being made.

Accordingly, based on the foregoing, Plaintiffs respectfully request that: (1) the deadline for Plaintiffs to file their anticipated Motion by Order to Show Cause for Entry of a Default Judgment in a Sum Certain against Defendants be extended two weeks until **Wednesday, August 17, 2022**, and (2) the upcoming August 10, 2022 conference be adjourned to a date convenient for the Court thereafter such filing.

Should the Defendants retain counsel or otherwise appear or respond on this matter prior to this date, we will promptly apprise Your Honor of same. However, at this time, short of an Answer being filed by Defendants, Plaintiffs’ only intention is to move for entry of a Default Judgment in accordance with Your Honor’s rules.

This is Plaintiffs’ first request for an extension of time to file Plaintiffs’ Motion in this matter, and this request will not affect any other dates or deadlines herein.

We thank the Court for its kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,

Avraham Y. Scher
Avraham Y. Scher, Esq.
Helen F. Dalton & Associates, P.C.
Attorneys for Plaintiffs
80-02 Kew Gardens Road, Suite 601
Kew Gardens, New York 11415
Tel.: (718) 263-9591

CC: all defendants via United States Certified First-Class Mailing To:

URION CONSTRUCTION LLC
(DOS ID: 5442607)
ATTENTION: HERIBERTO GONZALEZ SIRIAS

**95 OLD BROADWAY
NEW YORK, NY 10027-7912**

USPS Tracking # **7021 2720 0001 9400 5464**

HERIBERTO GONZALEZ SIRIAS

**63 BAYVIEW AVENUE
JERSEY CITY, NJ 07305**

USPS Tracking # **7021 2720 0001 9402 3444**